<u>REMARKS</u>

Applicant requests reconsideration of the official action mailed January 21, 2009.

In the official action, the pending claims were rejected over a combination of Britton (US 4,785,408) and Anderson (US 7,240,297). The Anderson reference is newly cited, following the withdrawal of a previous rejection based on a combination of Britton and US 2004/0130572 – Bala. That rejection was withdrawn because applicant established a claim of priority to a provisional application that predated Bala. As to the present rejection over a combination of Britton and Anderson, a routine combination Britton and Anderson would not meet all the aspects of applicant's invention claimed as a whole. Moreover, it cannot be considered routine or obvious to modify a combination of Britton and Anderson in such a way as to meet applicant's claims, because such a combination would eliminate the very aspects that the cited references teach to be beneficial. A modification that is contrary to the teachings of cited references cannot be deemed obvious from those references.

As discussed in the official action, Britton is considered to disclose a system and method for composing interactive telephone dialogs using <u>modular elements</u> that the configuror (a human operator) selects, arranges in a sequence of dialog operations, and configures in various ways using an operator interface and processor to input choices among options. Bala was previously cited in combination with Britton, for disclosure of a <u>programming wizard</u> for combination with Britton, but Bala is no longer citable.

The idea of a programming wizard is to enable an operator who may have limited knowledge of how programmable components work, to set up an operable configuration. The newly cited Anderson reference does not use the term "wizard" but Anderson refers to a process or function useful as an <u>assistant</u> in the field of programming.

Britton is silent on assisting users seeking to set up an interactive telephone dialog. The users of Britton's modular elements must understand the workings of the modular elements in order to know how to sequence, connect and configure the modules. Anderson discusses an assistant but does not teach or suggest the aspect

expressed in applicant's claims, of constraining or limiting the user's options to feasible ones. On the contrary, the idea in Anderson is to assist the user by revealing how he or she arrived at a point in a sequence, and to demonstrate to the user what might happen further on in the sequence, while specifically giving the user freedom to try various alternatives. These alternatives in Anderson expressly include alternatives that are not operable. For example, see Anderson at col. 7, line 32 to col. 8, line 20, which teach specifically the possibility for the user to accept a defect condition in order to assess the effects that will result further on in the process. Anderson does not teach that an assistant could or should constrain the user at all. The Anderson assistant does not meet the subject matter of applicant's claims. Therefore, a combination of Britton and Anderson cannot meet applicant's invention claimed as a whole.

The differences between applicant's claimed invention and the combination of Britton and Anderson, plus the level of ordinary skill, are such that the invention claimed as a whole is not shown to have been obvious.

Like Britton, applicant's invention as claimed involves the assembly and configuration of a set of components. Both are intended in the end to produce an operational interactive telephone dialog, i.e., an automaton that can interact with a remote party. However, the claimed invention is both fundamentally and specifically different in the manner by which this is accomplished. Britton teaches the idea of bringing together smaller portions of routines (such as program instructions) into larger ones (modular elements). However the operator must understand the nature and functioning of the Britton modular elements in order to know how to sequence and configure them to accomplish a dialog job.

Applicant's claimed invention comprises a wizard that limits the operator's choices of alternatives for the selection and setup of the dialog components during dialog composition, namely during the process of sequencing and configuring the dialog components to interact with one another, with the subject and with a data depository. According to the claims, applicant's wizard constrains the instructions that are offered to the operator who is configuring the dialog creation. In this way, the configuror/operator

can produce an operable interactive telephone dialog with little or no knowledge about how the modular components of the dialog actually work.

In order to do produce an interactive telephone dialog, a sequence of dialog components must be set up, in order, with correct options specified, with appropriate inputs and outputs and interconnections. According to applicant's independent claim 42 (the system) and claim 67 (the method), the processor uses a programming wizard to interact with the human configuror. Options are offered to the human configuror when composing a dialog. But applicant's wizard serves to guide and <u>constrain</u> the options that are made available, as set forth in the claims. As the dialog is composed, options are offered to and exercised by the configuror, the wizard appropriately limits the choices that are made available to the human configuror. In this way, it is not possible for the human configuror to fail, even if the configuror does not understand the nature of the modular components that are being sequenced and configured, or the implications of the options that are being selected and so forth. The idea is to allow the configuror to produce an operable dialog even though the configuror may understand little or nothing about the nature, behaviors and interactions of the dialog components that will be run when the interactive dialog commences its telephone interaction with remote parties.

Britton's disclosure is such that incremental steps are assembled into more complex groupings, i.e., modules. But the modules are complex and in order to exploit the modules, the user needs to know how the modules work. There is nothing disclosed or suggested in Britton to deal with the complexity of the modules. Applicant's technique is arranged such that the complexities of the dialog components and their configuration are <u>hidden</u> from the human configuror, but the configuror is nevertheless enabled to set up operable interactive dialogs. Applicant's processor presents decisions to be made by the human configuror and accepts responses, but the processor and wizard as claimed function to constrain decisions and subsequent instructions. Constraining initial choices and reducing the universe of later choices that will be made available as a function of earlier choices, force the configuror to succeed. This

approach is directly opposite that of Britton, wherein operators are wholly free to combine and connect dialog elements and thus are wholly free to make mistakes.

Applicant's technique of hiding the complexity of the system while constraining the configuror to assemble operational dialogs is also contrary to Anderson, wherein the idea is for the human configuror to forecast the results of making one decision over another, being wholly free to make "mistakes" such as accepting error conditions to determine the effects that will arise further down the line. See Anderson at col. 7, line 32 to col. 8, line 20, where the ability to accept or reject error conditions is part of the Anderson process.

In order to progress from Britton to applicant's invention as claimed, it would be necessary to add a constraining wizard having knowledge of the modular dialog components. Applicant's claims define that the wizard constrains the selections made by the human configuror as the dialog is composed. Applicant is not claiming any and all forms of programmed assistants, aides or adjuncts. Applicant's claims define a specific form of assistance, i.e., a wizard that constrains the configuror of a modular interactive telephone dialog system to produce operational dialogs.

Applicant's claimed invention inherently conceals the complexities of the modular components from the configuror. If the person of ordinary skill considered the combination of Britton and Anderson, the perceived result would be a version of Britton wherein it is possible to display on a programmer's interface the steps leading up to the current point in a program and at the same time to display the likely results, further on, of alternative decisions that the configuror might make from the current point proceeding forward, expressly including alternative decisions that lead to dialog failure. This teaching inherently exposes rather than conceals the complexity of the program. The combination of Britton and Anderson would not meet applicant's claimed invention because rather than <u>constrain</u> the configuror to workable options, the combination would <u>free</u> and empower the configuror to try any options and to view the likely results. The complexities of the modular components would not be hidden. The complexities would blossom. That aspect of the combination of Britton and Anderson might be useful

to a proficient programmer. But the combination of Britton and Anderson does not meet applicant's invention claimed as a whole, wherein constraining the available instructions that the configuror can select, enables a novice or even ignorant configuror to produce interactive telephone dialogs that will work.

Therefore, the combination of Britton and Anderson does not meet the invention claimed as a whole. Assuming that the person of ordinary skill combined Britton and Anderson, the result would not be as claimed by applicant. The claimed aspect of using the wizard or assistant to limit the options offered to the configuror is missing from the combination. The combination would not constrain the options offered to the configuror based on the configuror's selections made in response to previous options, so as to guide the process to an operable dialog.

Considering the differences between the invention and the prior art, and further considering according to KSR v. Teleflex and Graham v. John Deere the level of ordinary skill and the capacity of the person of ordinary skill to use common sense, there is no basis to conclude that the invention claimed as a whole would be obvious. Starting from a combination of Britton and Anderson, there is no logical basis to conclude that it would be obvious to modify the combination (i.e., to fix the assistant aspects brought to the combination by Anderson) so as to constrain the options made available to the configuror, or to conceal from the configuror the complexities of the modular components. Constraining options and concealing complexity in such a way is directly opposite to Anderson's basic idea of opening up the process to reveal to the user the results of unencumbered free selection of steps, even selections that are recognized to entail defects, while exposing the complexities of the modular components and demonstrating the likely effects of making one right-or-wrong choice or another. Thus, it cannot be considered obvious to modify a combination of Britton and Anderson to move in the direction of applicant's claims.

Applicant does not broadly claim the idea of building into software development systems subroutines that are helpful for programmers. Applicant specifically claims an interactive telephone dialog composition system that supports a configuror by operation

of a wizard that constrains the process such that the complexity of the system does not present complications, enabling use by a configuror that might be relatively ignorant as compared to a software developer or engineer as targeted by the cited references. Applicant's dialogs can be composed by a simple user as opposed to a software developer. This aspect of constraining composition of an interactive telephone dialog is novel over the prior art and is unobvious for all the reasons noted above.

The application is in condition for allowance. Applicant requests reconsideration and withdrawal of the rejections, and allowance of pending claims 42-70.

Respectfully submitted,

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